

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

In the present Application, Claims 1-3 and 7-14 are active. Claims 4-6 have been cancelled by previous amendments. The present Amendment amends independent Claim 1 without introducing any new matter.

The May 25, 2011 Office Action rejected Claims 1-3, and 7-14 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; Claims 1-2, 6, 11 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mitzutani (U.S. Pat. No. 7,003,791) in view of Christopoulos et al. (U.S. Pat. Pub. No. 2001/0047517, hereinafter “Christopoulos”), Perlman (U.S. Pat. Pub. No. 2002/0184637) and Solomon (U.S. Pat. Pub. No. 2003/0070174); Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mitzutani, Christopoulos, Perlman and Solomon, in further view of Jones et al. (Canadian Pat. No. 2,321,462, hereinafter “Jones”); Claims 7-8 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mitzutani, Christopoulos, Perlman and Solomon, in further view of Fingerman et al. (U.S. Pat. No. 7,143,430, hereinafter “Fingerman”); Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mitzutani, Christopoulos, Perlman and Solomon, in further view of Ellis et al. (U.S. Pat. Pub. No. 2003/0149988, hereinafter “Ellis”); Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mitzutani, Christopoulos, Perlman and Solomon, in further view of Slotnick (U.S. Pat. No. 7,058,356); and Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mitzutani, Christopoulos, Perlman and Solomon, in further view of Mensch (U.S. Pat. Pub. No. 2002/0133824).

First, Applicants wish to thank Examiner Thomas, Art Unit 2324, for the courtesy of the interview granted to Applicants’ representative, Nikolaus P. Schibli, Ph.D., Reg. No.

56,994, on July 26, 2011, during which the pending issues of the last Office Action were discussed. Applicants' representative explained certain claim amendments that may address the rejections under 35 U.S.C. § 112, first paragraph, and the rejections under 35 U.S.C. § 103(a). Examiner Thomas indicated that these amendments would address both the rejections under 35 U.S.C. §§ 112, first paragraph, and 103(a) if presented in a formal response, but he indicated that a new prior art search would be required before committing on allowable subject matter.

In response to the rejection of Applicants' Claims 1-3, and 7-14 under 35 U.S.C. § 112, first paragraph, this claim is herewith amended to recite that the playback module generates access right keys based on digital rights management information, "after the user sends the digital rights management information to the playback module that includes access rights for the program that was previously selected by the user and previously stored at the storage unit," to reflect that a request is sent by the user to system 1 with Digital Rights Management (DRM) information, but only after the television signal has been recorded at the storage unit of the controlling central unit. (See Specification, from p. 10, l. 24, to p. 11, l. 12.) No new matter has been added. This feature allows to separate the event of sending instructions for recording and the sending of access information in the form of DRM information, and permits e.g. a situation where different users can request recording and storing of a TV program, but only an authorized user will be able to watch it by having the required DRM information. Please note that this discussion related to the features of Applicants' independent Claim 1 is provided for discussion purposes only, and shall not be used to limit the scope of the claims in any fashion.

In response to the rejection of Claim 1 under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly summarizing, Applicants' independent Claim 1 is directed to a system for recording and playback of television signals from a plurality of television channels. The system includes *inter alia* a storage unit, a computer-based controlling central unit, connectible to a telecommunication network, a plurality of television receivers, a plurality of coding modules, an instruction unit connected to the controlling central unit, configured to receive and store recording instructions from users via the telecommunication network, and a playback module configured to generate access right keys based on digital rights management information, after the user sends the digital rights management information to the playback module that includes access rights for the program that was previously selected by the user and previously stored at the storage unit.

Turning now to the applied references, Mitzutani is directed to a system for remote accessible programming, where a user sends recording instructions from his terminal 11, 13 via the Internet 17 to a server 15. (Mitzutani, Abstract, Fig. 1, from col. 4, l. 66, to col. 5, l. 25.) The server 15 can activate and tune-in recording devices 23-27 to record televised programs, based on the user's instructions. (Mitzutani, col. 5, ll. 26-39.) Server 15 may require an authentication of the user, *before* the user is allowed to give any recording instructions. (Mitzutani, col. 6, ll. 3-19.)

However, Mitzutani fails to teach a playback module generating access right keys based on digital rights management information, after the user sends the digital rights management information to the playback module that includes access rights for the program that was previously selected by the user and previously stored at the storage unit, as required by Applicants' independent Claim 1. Mitzutani explains that the user will log on to server 15 via one of the terminals 11, 12 via the Internet 17, so that server 15 can verify the identify of the user. (Mitzutani, col. 3, ll. 3-16.) After such authentication sequence where the user is identified, Mitzutani's server 15 can send a recorded program to the identified user.

(Mitzutani, col. 3, ll. 16-20.) Moreover, Mitzutani explains the following:

Once a user is permitted access to server 15, the user may submit various recording instructions such as a tuning channel selection and a start and stop recording interval. Preferably, additional information identifying the recorded television network, program name and televised time would also be added to a viewable section of the recording. Additionally, the user may select among various available multimedia encoding formats such as MPEG 1, MPEG 2, AVI, etc. for each recording session, and may also submit various encoding options that affect the compression ratio of a recording. For example, in order to reduce the file size of an encoded recording of given time length, a user may select a view screen size smaller than standard as well as select a lower video resolution quality.

(Mitzutani, col. 6, ll. 20-33.) In other words, the user only has to authenticate himself with server 15, but Mitzutani's server 15 does not request or receive any digital rights management information from the user for a specific program or channel. As a fact, there is no nexus in Mitzutani between the recorded programs and an access right. Therefore, Mitzutani fails to teach that a playback module generates access right keys based on digital rights management information, after the user sends the digital rights management information to the playback module, as required by Applicants' independent Claim 1.

Moreover, the reference Perlman fails to remedy the deficiencies of Mitzutani, even if we assume that the combination is proper. Perlman describes a method for efficiently transmitting multimedia streams to several set-top box 120 receivers. (Perlman, Abstract, Fig. 5.) Perlman describes a conditional access mechanism located at a set-top box 120 for preventing unauthorized users to view content, by the use of a conditional access module 1010 that can decrypt the incoming data stream 1030 with decryption keys 1025 that are received from a secure micro unit 1020. (Perlman, col. 8, ll. 46-53, Fig. 10.) Moreover, Perlman describes the periodical distribution of decryption keys received from the head-end equipment side 100. (Perlman, col. 8, ll. 52-67, Fig. 10.) However, Perlman fails to teach that a playback module generates access right keys based on digital rights management information, after the user sends the digital rights management information to the playback

module that includes access rights for the program that was selected, as required by Applicants' independent Claim 1. In Perlman, the access right information is distributed by the head-end equipment side 100.

The reference Solomon fails to remedy the deficiencies of Mitzutani and/or Perlman, even if we assume that these references can be combined. Solomon is directed to a wireless on-demand video system where a user has a step-top box. (Solomon, ¶ [0020], Abstract.) Solomon explains that a user can call an 800 number to provide identification information for his set-top box (STB ID), his phone number, and credit card information. (Solomon, ¶¶ [0057]-[0060]). Moreover, in response, the system will generate an activation code including a time, date, STB ID information, movie selected, city code, etc. and would charge the credit card with a fee. (Solomon, ¶¶ [0065]-[0067]). However, Solomon fails to teach that a playback module generates access right keys based on digital rights management information, after the user sends the digital rights management information to the playback module that includes access rights for the program that was selected, as required by Applicants' independent Claim 1. In Solomon, the user merely communicates his credit card information. (Solomon, ¶ [0101], Fig. 2.)

In addition, the May 25, 2011 Office Action rejected the features related to the Electronic Programming Guide (EPG) based on the reference Mitzutani. (See Office Action, p. 6, ll. 4-5.) In particular, the pending Office Action equates the Electronic Programming Guide (EPG) information with a channel number and recording timing, and appears to point to Mitzutani at column 6, lines 20-49.

In this respect, the reference Mitzutani describes a system for remote accessible programming, where a user sends recording instructions from his terminal 11, 13 via the Internet 17 to a server 15. (Mitzutani, Abstract, Fig. 1, from col. 4, l. 66, to col. 5, l. 25.) The server 15 can activate and tune-in recording devices 23-27 to record televised programs,

based on the user's instructions. (Mitzutani, col. 5, ll. 26-39.) Server 15 may require an authentication of the user, *before* the user is allowed to give any recording instructions. (Mitzutani, col. 6, ll. 3-19.) Next, Mitzutani explains the following:

Once a user is permitted access to server 15, the user may submit various recording instructions such as a tuning channel selection and a start and stop recording interval. Preferably, additional information identifying the recorded television network, program name and televised time would also be added to a viewable section of the recording.

(Mitzutani, col. 6, ll. 20-25.) However, Mitzutani fails to teach that the recording instructions include electronic programming guide (EPG) information. Therefore, Applicants respectfully traverse the rejection based on Mitzutani.

Therefore, even if the combination of Mitzutani, Christopoulos, Perlman and/or Solomon is assumed to be proper, the cited passages of the combination fails to teach every element of Applicants' Claim 1. Accordingly, Applicants respectfully traverse, and request reconsideration of this rejection based on these references.

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3 and 7-14 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Nikolaus P. Schibli, Ph.D.
Registration No. 56,994